

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

FILED

ERIC WARE (R-32516),

V.

PLAINTIFF

GUY PIERCE et-al

DEFENDANTS

No. 08 C 500064

APR 29 2008

84
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MOTION TO ALTER
OR AMEND JUDGMENT

Now come the Plaintiff, Eric Ware, pro-se, and moves this Honorable Court to Alter or Amend it's Judgment pursuant to Federal Rule of Civil Procedure 59(e), and states as follows:

1. On April 21, 2008, this Honorable Court dismissed Plaintiff causes of action due to it relying on a prior court's order that Plaintiff had struck out under 28 U.S.C. 1915 and pursuant to the [PLRA].


2. The Plaintiff requests that this Honorable Court peruse the order in the case of, Eric Ware V. Chicago Police Department, 07-C-6645, because the court specifically said that Plaintiff only received **one strike**. The Plaintiff respectfully requests that this court draw inferences from, BRENNETT V. HORTON, 423 F.3d 674 (7th Cir. 2005), in regards to one judge making a ruling which was diverse from the original judge's ruling.

3. Also, Honorable Judge KAPALA, the Plaintiff further requests that you will consider our United States Supreme Court's ruling in, Jones V. Bock (2007), because our 7th Circuit has no authority to override congress and make its own procedural rules which are adverse to our parliament. 1915, states that if the entire case fails to state a claim or is frivolous, the offender will receive a strike, not individual claims your Honor.

4. The Plaintiff believes in good faith that he has--a meritorious claim against the Defendants and needs immediate relief in order to further access the courts. The Plaintiff intends to be writted to Stateville on April 30, 2008 and attend court on May 8, 2008 in Cook County, and will definitely need proper access to the courts if he has to return to Dixon. The Plaintiff requests that this Honorable court will review Plaintiff's Motion for reconsideration filed in Ware V. Chicago Police 07-C-6645, in order to draw more positive inferences from the Jones V. Bock case.

WHEREFORE, the Plaintiff prays that this Honorable Court will Modify its April 21, 2008 order, by altering or amending its order and allow Plaintiff to proceed In Forma Pauperis.

RESPECTFULLY SUBMITTED:


ERIC WARE (R-32516)
4/27/08

Eric W. R. 32516

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